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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCELINO VAZQUEZ-FLORES,

Defendant.

Case No. 2:15-cr-239-GMN-VCF

**Government's Motion to Extend
Time to File Its Response to
Defendant's Motion to Vacate
Sentence**

Certification: This motion is timely.

On September 7, 2016, Vazquez-Flores pleaded guilty to two counts of being an illegal alien in possession of a firearm in violation of 18 U.S.C. § 922(g)(5)(A), and two counts of distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1), after Vazquez-Flores sold firearms and methamphetamine to undercover officers on three separate occasions in 2015. This Court sentenced Vazquez-Flores to 60 months' imprisonment.

In a motion to vacate sentence, which Vazquez-Flores filed on January 31, 2020, Vazquez-Flores alleges that he is entitled to relief based on the Supreme Court's decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019). *See* ECF No. 42, at 15. On February 4, 2020,

1 this Court ordered the government to file a response to Vazquez-Flores's motion by March
2 20, 2020. ECF No. 43.

3 After reviewing Vazquez-Flores's motion, undersigned counsel concluded that, to
4 respond to Vazquez-Flores's claim, she needs to review the transcript of Vazquez-Flores's
5 change-of-plea hearing and sentencing hearing. She therefore ordered those transcripts, with
6 the order processed on February 16, 2020.

7 On March 10, the clerk's office advised the government that the transcribers are
8 working diligently but are running a bit behind schedule. Undersigned counsel therefore
9 respectfully requests an additional 30 days from its current due date, to and including April
10 19, 2020, to file its response to Vazquez-Flores's motion.

11 Vazquez-Flores is in BOP custody serving the 60-month sentence the Court imposed,
12 with an anticipated release date of January 27, 2021. Because Vazquez-Flores's motion does
13 not affect the drug conviction in Count 6, for which the Court imposed the statutory
14 minimum 60-month sentence, undersigned counsel believes Vazquez-Flores will not suffer
15 any prejudice from the Court granting the government's requested 30-day extension.

16 Based on the foregoing, the government respectfully requests an extension to and
17 including April 19, 2020, to file its response to Vazquez-Flores's motion.

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19 Dated this 13th day of March, 2020.

20 NICHOLAS A. TRUTANICH
21 United States Attorney

22 *s/Elizabeth O. White*
23 ELIZABETH O. WHITE
24 Assistant United States Attorney

1 **CERTIFICATE OF SERVICE**

2 I certify that on March 13, 2020, I electronically filed the foregoing **Government's Motion**
3 **to Extend Time to File Response to Defendant's Motion to Vacate Sentence** with the
4 Clerk of the Court by using the CM/ECF system. I also caused a copy of this motion to be
5 sent to the defendant at the following address:

6 Marcelino Vazquez-Flores
7 Reg. # 50201-048
8 FCI McDowell
9 Federal Correctional Institution
P.O. Box 1009
Welch, WV 24801

10
11 *s/ Elizabeth O. White*
12 ELIZABETH O. WHITE
13 Appellate Chief and
Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 MARCELINO VAZQUEZ-FLORES,

7 Defendant.

Case No. 2:15-cr-239-GMN-VCF

Order

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10 Based upon the pending motion of the government, and good cause appearing,

11 **IT IS HEREBY ORDERED** that the government shall have until April 19, 2020,
12 to file its response to Defendant Marcelino Vazquez-Flores's Section 2255 motion.
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14 DATED this 16 day of March, 2020.

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18 Gloria M. Navarro, District Judge
19 UNITED STATES DISTRICT COURT
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